IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19118 of 2004

Between:

M.Saraswathi, w/o Konda Reddy, Chikkepalli Village, Yadiki Mandal, Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector, Ananthapur.
2 The Revenue Divisional officer, Ananthapur.
3 The Mandal Revenue Officer, Yadiki Mandal, Ananthapur District.
4 J.Nagarjuna Reddy, r/o Chikkepalli Village, Yadiki Mandal, Ananthapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the first respondent in neither disposing of the appeal filed by the petitioner nor granting stay orders in the said appeal as illegal and arbitrary by setting aside the impugned show cause notice cum Suspension Order dt.5-10-2004 in Rc.No.D1/CS/1277/2004 on the file of the 2nd respondent; award costs.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for Respondent No.4: --

The Court at the stage of admission made the following Order:

The petitioner is the authorised dealer of the Fair Price Shop of Chikkepalli Village, Tadiki Mandal, Ananthapur District.

The authorisation of the petitioner was suspended by the second respondent-Revenue Divisional Officer, Ananthapur by proceedings dated 05-10-2004, pending enquiry into the alleged irregularities in distribution of the essential commodities, which is under challenge in this writ petition.

The learned counsel for the petitioner vehemently contended that the allegations made against the petitioner are all false and without any basis and at any rate the same being trivial in nature, the order of suspension is not warranted. He also submits that since no alternative arrangement has been made so far, the petitioner may be permitted to distribute the commodities.

I am not inclined to express any opinion on merits, since admittedly, the statutory appeal preferred by the petitioner against the impugned order is pending before the first respondent-Joint Collector, Ananthapur. However, keeping in view the plea of the petitioner that the application filed for stay has not yet been considered by the first respondent, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay filed in the appeal against the order impugned dated 05-10-2004 and to pass appropriate orders in accordance with law, within a period of one week, from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs

14-10-2004

kdl

To

1 The Joint Collector, Ananthapur.
2 The Revenue Divisional officer, Ananthapur.
3 The Mandal Revenue Officer, Yadiki Mandal, Ananthapur District.
4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.